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**FREDERICK COUNTY PLANNING COMMISSION**  
**September 14, 2011**

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**TITLE:** **Hattery Farm, LLC Agricultural Cluster  
Concept Plan, Lots 1-24**

**FILE NUMBER:** **S-1155 AP10268**

**REQUEST:** **Agricultural Cluster Concept Plan**  
Approval of an Agricultural Cluster Concept Plan.

**PROJECT INFORMATION:**

**LOCATION:** Located on the south side of Harrisville Road, approx 4,000 feet  
east of Woodville Road.  
**ZONE:** Agricultural (AG)  
**REGION:** New Market  
**WATER/SEWER:** No Planned Service  
**COMP. PLAN/LAND USE:** Agricultural/ Rural

**APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT/OWNER:** Thomas and Debbra Hattery  
**ENGINEER:** Vanmar Associates, Inc

**STAFF:** Michael Wilkins, Environmental Principal Planner II

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**  
Concept Plan

## **REPORT**

### **BACKGROUND:**

The Hattery Farm consists of ten (10) separate parcels. The Applicant proposes to utilize the Agricultural Cluster provisions of §1-19-7.300(C) to transfer the development potential of six of these parcels to a single parcel to create a 24-lot subdivision. As required by the Code, the remaining areas of the six parcels will be added together to create a single remainder consisting of approximately 285 acres.

This property has been the subject of two previous subdivision applications;

- In 1994, a three (3) lot subdivision was recorded from parcel 64 (Hattery Farm, Section 1, File # M-2080).
- In 2008, a three (3) lot subdivision was recorded from parcel 22 (Stormy Hill, Section 1, File #M-2836).

If a preliminary plat for this proposed subdivision is submitted, the creation of the 24 new lots will be considered a major subdivision. However, any major subdivision approval for this project (including approval of panhandles, a new County street, and APFO) will be reviewed during the preliminary plan review process.

### **ANALYSIS:**

#### *Lot Design:*

The purpose and intent of clustering is “to encourage conservation of farmland...by planning the residential development...to provide for the best obtainable siting, access, and location of lots...” and “to provide for a well planned development while minimizing the use of prime agricultural land.” Section 1-19-7.300(C)(3)(b)(2) of the Zoning Ordinance states “the cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.”

The farm has road frontage on Harrisville Road and Woodville Road. The proposed lots are situated along Harrisville Road on the northern side of the farm and are located in proximity to the previously recorded Stormy Hill subdivision. However, the previously recorded Hattery Farm three (3) lot subdivision (from parcel 64) is on the southern end of the farm.

Creating an Ag Cluster development that is separated from previously recorded lots is generally not supported by Staff and the Planning Commission. However, in this unique case Staff does not object to the transfer of two (2) lots from the previously subdivided parcel 64 (on the south side of the farm) to the proposed cluster on the northern side of the farm. The Applicant could create one new lot and a buildable remainder on parcel 64, but allowing the transfer of these two building rights will preserve a larger farm parcel along Woodville Road, which is more rural in nature than Harrisville Road, which is consistent with the goals of the Ag Cluster regulations.

Per §1-19-7.300(C)(3)(b)(1) of the Zoning Ordinance, cluster development should minimize the use of class I, II, and III soils, which are deemed the highest quality for agricultural uses. The

proposed development is situated within Class II soils. However, the majority of the farm consists of Class II soils, and the areas that have less productive soils are the forested areas, steep slopes, and stream valleys which are not suitable for development. A lot design avoiding the class II soils may not be feasible.

Section 1-19-7.3(C)(1-2) of the Zoning Ordinance states “all clusters of 6 or more lots shall be served by an internal public street and shall not be stripped along an existing roadway”. The Applicant proposes to serve Lots 2-24 via a 1,800 foot long cul-de-sac street that will be built to County standards and dedicated to public use. Lot 1 will be served by an existing common driveway entrance off Harrisville Road that is shared with Lot 1, Stormy Hill Subdivision.

The proposed public street must be approved as part of the preliminary plan application, which will be submitted after concept plan approval and percolation testing.

*Lot Size:*

Section 1-19-7.300(C)(2)(c) of the Zoning Ordinance states that Agricultural Cluster lots should average 1.50 acres in size, with no lots exceeding 2 acres in size. The average size of the six (6) previously recorded lots and the proposed 24 lots is 1.24 acres, which meets the 1.50-acre average lot size as established in the Zoning Ordinance. The largest proposed lot is 1.80 acres.

**ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

The subdivision is not subject to APFO at the time of Concept Plan approval. APFO review will be required at the time of preliminary plan application.

**FOREST RESOURCE ORDINANCE (FRO):**

At the Concept Plan phase, a forest stand delineation plan is the only FRO requirement. A forest stand delineation plan was submitted for review and staff has determined that the proposed development will not impact any high priority forest retention areas or other environmental features. Forest conservation plans must be provided prior to the approval of preliminary plans and final plats. FRO mitigation must be provided prior to lot recordation.

**FINDINGS:**

Staff finds that the proposed Ag Cluster plan meets and/or will meet all applicable subdivision and zoning requirements for Ag Cluster concept plan approval. If the conditions of approval are satisfied, Staff has no objection to conditional approval of the concept plan. If approved, the concept plan will become null and void at the end of one (1) year from the date of Planning Commission approval unless a preliminary plan has been submitted for approval, in accordance with §1-19-7.300 (C)(3)(c) of the Zoning Ordinance.

**RECOMMENDATION:**

Should the FcPc approve this Application (S-1155, AP10268), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. APFO testing is required at the time a preliminary plan application is submitted.

3. Forest conservation plans must be submitted at the time of preliminary plan application and approved prior to preliminary plan approval. FRO mitigation must be provided prior to lot recordation.